IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TENTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE M.H.S. ANSARI

and
THE HON'BLE MR JUSTICE T.CH.SURYA RAO

WRIT PETITION NO : 22895 of 2004

Between:

A. Sudhakar, S/o Sanjeevarayudu,
R/o 1/370, Akkayapalli, R.V. Nagar, Cuddapah , Cuddapah District.

..... PETITIONER

AND

1 The Secretary, Regional Transport Authority, Cuddapah.
2 Circle Inspector of Police, Attached to the APSRTC,

Cuddapah.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue any writ or order, direction more particularly one in the nature of writ of mandamus, declaring the action of the 2nd respondent in seizing and detaining the petitioner's vehicle bearing Registration No. PY 01 W 4988 vide Vehicle Check Report dt. 30-11-2004 under Sec. 8 of the A.P.Motor Vehicle

Taxation Act and Section 207 of M.V. Act as illegal arbitrary and unconstitutional and consequently direct the respondents to release the vehicle bearing No. No. PY 01 W 4988 and to pass such other order or orders

Counsel for the Petitioner:MR.B.CHANDRA SHEKHAR

Counsel for the Respondent No.: GP FOR TRANSPORT

The Court made the following :

O R D E R (Per MHSA,J)

Heard the learned counsel for the respective parties.

2. The Writ Court does not normally interfere, unless there is failure to exercise power vested in the authority or power exercised is improper. In the instant case, it would appear that petitioner has approached this Court directly without approaching the competent authority in the first instance for the reliefs as prayed for in the instant

writ petition. Although it is averred in paragraph No.5 of the writ petition that petitioner approached the 1st respondent for release of his vehicle, but the application was not entertained, it is not clear whether such application has been filed before the 1st respondent.

3. In these circumstances, we are not inclined to entertain the writ petition or to pass any orders as prayed for. It shall be open to the petitioner to make appropriate application before the 1st respondent for interim custody of the vehicle and if such an application is made, same should be disposed of within week from date of receipt of such application.

4. It is clarified that the application shall be disposed of by the 1st respondent in accordance with law.

5. With the observation as above, writ petition is accordingly disposed of at the admission stage, without going into the merits of the contentions raised in the writ petition and keeping all questions open.

M.H.S.ANSARI,J

T.CH.SURYA RAO, J

AVS

Date:10.12.2004.

Note:

Issue C.C. in two days.

B/O

To

1 The Secretary, Regional Transport Authority, Cuddapah.
2 Circle Inspector of Police, Attached to the APSRTC,

Cuddapah.

3. Two C.Cs. to G.P. for Transport, A.P. High Court Buildings,

Hyderbad.

4. Two C.D. copies.